

Calendar No. 149

105TH CONGRESS }
1st Session

SENATE

{ REPORT
105-67

DUSKEN IV

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 880



SEPTEMBER 2, 1997.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

39-010

WASHINGTON : 1997

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

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SEPTEMBER 2, 1997.—Ordered to be printed

Mr. MCCAIN, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 880]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 880) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dusken IV*, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

PURPOSE OF THE BILL

S. 880, as reported, grants coastwise trading privileges to the vessel *Dusken IV*.

BACKGROUND AND NEEDS

Subject to certain limited exceptions, the law known as the Jones Act (section 27 of the Merchant Marine Act, 1920), section 8 of the Act of June 19, 1886, and sections 12106 and 12108 of title 46, U.S. Code, provide that only those vessels built in the United States, continuously documented under the laws of the United States and continuously owned by United States citizens may transport merchandise or passengers in the coastwise trade, or engage in the fisheries, of the United States. Where the facts applicable to a particular vessel suggest the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document granting coastwise trading or fisheries privileges for that vessel unless the requirements of the Jones Act and title 46 are statutorily waived.

The vessel *Dusken IV*, U.S. official number 952645, is a 47-foot sport fishing vessel that was constructed in Taiwan in 1986. It is owned by Mr. Dennis Peterson of Seattle, Washington. The owner intends to use it for fishing charters out of Seattle and Edmonds, Washington, and Sitka, Ketchikan, and Juneau, Alaska. Because the vessel is foreign-built, the owner has not been able to obtain coastwise trade privileges for the *Dusken IV*. Therefore, he is seeking a statutory waiver of the coastwise trade laws for the vessel.

LEGISLATIVE HISTORY

S. 880 was introduced in the Senate on June 11, 1997, by Senator Gorton. In open executive session on June 19, 1997, the Committee considered S. 880, and ordered the legislation reported favorably without objection with an amendment in the nature of a substitute offered by Senator Gorton. The amendment added a waiver of section 8 of the Act of June 19, 1886, 46 U.S. Code App. 289), which was inadvertently not included in the introduced bill. This amendment is necessary because the vessel owner intends to carry passengers for hire in the domestic trade.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and Section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 7, 1997.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 880, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dusken IV*. S. 880 was ordered reported by the Senate Committee on Commerce, Science, and Transportation on June 19, 1997.

CBO estimates that enacting S. 880 would have no significant impact on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. S. 880 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would not affect the budgets of state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

Because S. 880 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

SECTION-BY-SECTION ANALYSIS

The bill consists of one section. It provides that, notwithstanding sections 12106, and 12108 of title 46, U.S. Code, section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the vessel *Dusken IV*, United States official number 952645, is eligible to engage in the coastwise trade and the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for such vessel.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

